

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11832-GAO

RONNIE JONES, et al.,
Plaintiffs,

v.

CITY OF BOSTON, et al.,
Defendants.

ORDER
December 14, 2007

O'TOOLE, D.J.

The following orders are made with respect to pending motions:

1. Psychemedics Corporation has submitted a copy of its Standard Operating Procedures (“SOPs”) to the Court for *in camera* review. After such review, and upon consideration of the briefs and arguments of counsel, the plaintiffs’ Motion to Compel Psychemedics Corporation to Produce its Standard Operating Procedures for Testing Hair Samples for Drugs of Abuse (dkt. no. 41) is GRANTED only to the following extent: Psychemedics shall produce (I) the introductory pages of its SOPs prior to tab 1; and (ii) the materials included in tabs 5, 6, 9, 12, 16, and 17. All such materials are to be produced and received subject to the provisions of the Order Governing the Production and Exchange of Confidential Information (dkt. no. 33). In all other respects the motion is DENIED.

2. The plaintiffs’ Motion to Compel Defendants to Produce Positive Hair Test Results and E-Mails Responsive to Plaintiffs’ Document Requests (dkt. no. 46) is GRANTED only to the

following extent: the defendants shall produce any data or records in their possession, custody or control that indicated (I) the quantity of illegal drugs detected in each positive hair test reflected on the spreadsheet dated 1/10/2007 and (ii) the confirmation cut-off level for such tests. All such materials are to be produced and received subject to the provisions of the Order Governing the Production and Exchange of Confidential Information (dkt. no. 33). The motion is otherwise DENIED.

3. The plaintiffs' Motion to Strike the Affidavit of William Thistle (dkt. no. 48) is DENIED.

4. The plaintiffs' Motion to Compel Psychemedics Corporation to Produce Documents (dkt. no. 59) is GRANTED (I) as to all categories that Psychemedics has previously agreed to produce but has not yet done so; and (ii) as to the documents requested in Requests 21, 31, 32, 39, and 40. The motion is DENIED as to Requests 2 and 41.

5. The plaintiff's Motion to Compel Production of Non-Privileged Deposition Testimony and Rule 26 Privilege Log (dkt. no. 61) is GRANTED to the extent that, if not already done so, then the defendants shall furnish a detailed privilege log with respect to the claims of privilege made during the DeBow deposition. The motion is otherwise DENIED WITHOUT PREJUDICE to renewal after the log has been produced and reviewed.

6. The Defendants' Motion to File a Third-Party Complaint against Psychemedics Corp. (dkt. no. 73) is DENIED.

7. The plaintiffs' request for an award of costs is DENIED.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge